

IN THE MATTER OF THE APPLICATION OF PAINTERS MILL VENTURE FOR A ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE SOUTH SIDE OF RED RUN BOULEVARD, 2,061 FEET EAST OF THE CENTERLINE OF OWINGS MILLS BOULEVARD FROM BM-CT TO BM-CSA 4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. R-90-170, Item #1, Cycle II, 1989/90

OPINION

Petitioner, Painters Mill Venture, has filed with this Board a Petition to reclassify property from BM-CT zone to a BM-CSA zone. A hearing was held before this Board on March 7, 1990. The Petitioner was represented by Richard A. Reid, Esquire and Phyllis C. Friedman, People's Counsel for Baltimore County, also appeared.

The subject property is located on the south side of Red Run Boulevard, 2,061 feet east of Owings Mills Boulevard in the Fourth Election District and Third Councilmanic District of Baltimore County, Maryland. It consists of approximately .43 acres and is presently zoned BM-CT. The Petitioner requests that the present zoning obtained under the 1988 Comprehensive Zoning Map Process, be changed to BM-CSA. In effect, the request is a district change from C.T. to C.S.A.

At the hearing, twelve exhibits were offered by the Petitioner and stipulated to by People's Counsel. Included in the exhibits is an Affidavit in support of the Petition for Zoning Reclassification by John J. Dillon, Jr. of the Department of Planning and Zoning for Baltimore County. This Affidavit was offered in lieu of Mr. Dillon's testimony.

The exhibits disclose that the Petitioner filed a request for rezoning for several parcels of land including the subject property herein under the Rezoning Map Process, which requests were docketed under Item 3-309 in the log of issues for the Third Councilmanic District. It was requested that the subject property be rezoned from RAE-2 to BM for an automobile service station

Painters Mill Venture Case No. R-90-170, Item #1, Cycle II - 1989/90

to be known as Red Run Auto Center. The planning staff reviewed the request and recommended the change of zoning on the condition that the proposed use be limited to a full-service gas station with a convenience facility. At the request of the planning staff, the Petitioner confirmed in writing that if the BM zoning were granted, the property would only be used as a full-service gas station with a convenience facility. (See Exhibit No. 6). The property was rezoned to BM-CT by the County Council (See Exhibit Nos. 7 and 8) and became effective December 4, 1988 under Bill No. 146-88.

Following the adoption of the maps, it was discovered that the subject property could not be used as a gas station in a BM-CT zone unless it is part of a planned shopping center. It is clear from a review of the exhibits and the Affidavit of Mr. Dillon that the parties intended this particular property, consisting of .43 acres, more or less, be permitted as a matter of right to be used as a full-service gas station with a convenience facility. The proper zoning change should have been to a BM-CSA zone. It was not the intention of either the Petitioner or Baltimore County that the property be rezoned to a BM-CT zone. This Board finds that error occurred in the rezoning of this subject property and should be corrected by changing the zoning from BM-CT to BM-CSA to permit the desired use, a full-service gas station with a convenience facility, as a matter of right.

ORDER

It is therefore, this 10th day of April, 1990, by the County Board of Appeals of Baltimore County, ORDERED, that the Petition for Reclassification of

Painters Mill Venture Case No. R-90-170, Item #1, Cycle II - 1989/90

the property from BM-CT to BM-CSA, be, and is hereby GRANTED. Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman

Harry E. Buchheister, Jr.

Michael B. Sauer

2680d RAR/plm 02-28-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION FOR ZONING RECLASSIFICATION S/S Red Run Boulevard 2601' E c/1 Owings Mills Road 4th Election District 3rd Councilmanic District LEGAL OWNER: Painters Mill Venture

CASE NO. R-90-170

AFFIDAVIT OF COMPLIANCE

I, William R. Crawford, Jr., hereby certify under the penalties of perjury that: 1. I am a competent person over 18 years of age. 2. I am not a party to this action. 3. On the 28th day of February, 1990, at approximately 2:05 p.m., I personally served a copy of the attached Subpoena Duces Tecum filed in the above-entitled matter this date on a person who identified herself to me as Betty Albright, Secretary to C. Richard Moore and authorized to accept service on his behalf, at the Traffic Engineering Bureau of the Department of Public Works, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204.

William R. Crawford, Jr.

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21286-8378 823-1800

4273d RAR/plm 02-28-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION FOR ZONING RECLASSIFICATION S/S Red Run Boulevard 2601' E c/1 Owings Mills Road 4th Election District 3rd Councilmanic District LEGAL OWNER: Painters Mill Venture

CASE NO. R-90-170

SUBPOENA DUCES TECUM

Gentlemen:

Please issue a Subpoena Duces Tecum returnable to Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 7, 1990, to:

C. Richard Moore Traffic Engineering Bureau Department of Public Works County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession relating to the classification of Red Run Boulevard in the 3rd Councilmanic District of Baltimore County.

Richard A. Reid Royston, Mueller, McLean & Reid Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 823-1800 Attorney for Petitioner

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21286-8378 823-1800

4273d RAR/plm 02-28-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION FOR ZONING RECLASSIFICATION S/S Red Run Boulevard 2601' E c/1 Owings Mills Road 4th Election District 3rd Councilmanic District LEGAL OWNER: Painters Mill Venture

CASE NO. R-90-170

SUBPOENA DUCES TECUM

Gentlemen:

Please issue a Subpoena Duces Tecum returnable to Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 7, 1990, to:

C. Richard Moore Traffic Engineering Bureau Department of Public Works County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession relating to the classification of Red Run Boulevard in the 3rd Councilmanic District of Baltimore County.

Richard A. Reid Royston, Mueller, McLean & Reid Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 823-1800 Attorney for Petitioner

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21286-8378 823-1800

2680d RAR/plm 02-23-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION FOR ZONING RECLASSIFICATION S/S Red Run Boulevard 2601' E c/1 Owings Mills Road 4th Election District 3rd Councilmanic District LEGAL OWNER: Painters Mill Venture

CASE NO. R-90-170

AFFIDAVIT OF COMPLIANCE

I, D. Elaine Sauer, hereby certify under the penalties of perjury that:

1. I am a competent person over 18 years of age. 2. I am not a party to this action. 3. On the 22nd day of February, 1990, at approximately 11:39 a.m., I personally served a copy of the attached Subpoena Duces Tecum filed in the above-entitled matter this date on a person who identified herself to me as Lynn Fulcher, Secretary to John J. Dillon, Jr. and authorized to accept service on his behalf, at the Office of Planning and Zoning, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

D. Elaine Sauer

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21286-8378 823-1800

02-22-90

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

PETITION FOR ZONING RECLASSIFICATION S/S Red Run Boulevard 2601' E c/1 Owings Mills Road 4th Election District 3rd Councilmanic District LEGAL OWNER: Painters Mill Venture

CASE NO. R-90-170

SUBPOENA DUCES TECUM

Gentlemen:

Please issue a Subpoena Duces Tecum returnable to Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 7, 1990, to:

John J. Dillon, Jr. Office of Planning and Zoning County Courts Building 401 Bosley Avenue Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession concerning the decision reached by the Planning Staff of Baltimore County and the Baltimore County Council concerning Item 3-309 in the log of issues for the Third Councilmanic District for the 1988 Comprehensive Rezoning of Baltimore County.

Richard A. Reid Royston, Mueller, McLean & Reid Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 823-1800 Attorney for Petitioner

Richard A. Reid Royston, Mueller, McLean & Reid Suite 600 102 W. Pennsylvania Avenue Towson, Maryland 21204 (301) 823-1800 Attorney for Petitioner

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21286-8378 823-1800

the proposed use, viz. a full service gasoline station with a convenience facility. To reassure the Planning Staff in this respect, Painters Mill Venture wrote a letter to Jack Dillon, Senior Community Planner for Baltimore County, with a copy to the council person for the Third District, guaranteeing that if the BM zoning were granted, the property would be used only as a full service gasoline station with a convenience facility (copy attached as Exhibit 6). Accordingly, the Planning Staff recommended a change in zoning by extending the existing BM-CT line to include the proposed site for the filling station. The County Council adopted the Planning Staff's recommendation and rezoned the parcel BM-CT (Exhibits 7 and 8). Bill No. 146-88 doing so was signed by the County Executive on October 20, 1988 and became effective December 4, 1988.

After the maps were adopted it was discovered that a gasoline station such as that proposed which is not part of a planned shopping center is not permitted in a BM-CT zone. Therefore, the site cannot now be utilized for the use which Painters Mill Venture and Baltimore County desired and intended to establish. This was in error. The error should be corrected by changing the zoning on the subject property from BM-CT to BM-CSA as indicated on Exhibit 9 to permit the desired use as a matter of right.

Accordingly, it is the recommendation of Baltimore County that the Petition for Zoning Re-Classification sought by Painters Mill Venture for such purpose be granted.

ROYSTON, MUELLER,
MCLEAN & REID
SUIITE 800
102 W. PENN. AVE.
TOWSON, MARYLAND
21284-6878
444-1800

-2-

I DO SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the contents of the foregoing Affidavit in Support of Petition for Zoning Re-Classification are true and correct to the best of my knowledge, information and belief and that I am competent to testify thereto as a witness.

John J. Dillon, Jr.
John J. Dillon, Jr., Senior
Planner for Community Planning
Office of Planning and Zoning

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 20th day of August, 1989, before me, the undersigned authority, personally appeared JOHN J. DILLON, JR., known to me (or satisfactorily proven) to be the person described in and who executed the foregoing instrument and acknowledged the same to be his act and deed for the purposes therein contained.

WITNESS my hand and official seal.

Patricia S. McKay
Notary Public
My Commission Expires: 7/1/90

ROYSTON, MUELLER,
MCLEAN & REID
SUIITE 800
102 W. PENN. AVE.
TOWSON, MARYLAND
21284-6878
444-1800

-2-

88 COMPREHENSIVE ZONING
Request for Change

1 APPLICANT'S NAME Jack L. Baylin, Managing Partner, Painters Mill Venture
2 ADDRESS Suite 2021 706 Old Court Road
3 CITY Pikesville STATE Maryland ZIP 21208 PHONE 486-3100
7 ORGANIZATION (if any) _____ COMMUNITY ORGANIZATION INVOLVED: _____
8 APPLICANT STATUS: (Please Circle one)
Property Owner Contract Purchaser; Legal Rep.
10 PROPERTY LOCATION NW of Lyons Mill Road/Painters Mill Road Intersection
11 ACREAGE OR LOT SIZE 263.11 acres
12 EXISTING ZONING BY ACRES See Exhibit A
13 REQUESTED ZONING BY ACRES See Exhibit A
14 EXISTING USE No development
15 PROPOSED USE (if known) Mixed uses (See Justification Statement)
16 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. 3-76 19 Year 84
(if applicable) 20(b) Cycle Zoning: 21 Case No. _____
22 WATER SERVICE ZONE Reisterstown Fifth
23 SUBSERVED NUMBER (If request is located in more than one subwatershed, the number of dwelling units for each subwatershed must be shown, if known.) Red Run 55
24 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (424-3691)

District	Property Number
Deed	Liber Folio

Map	Block	Parcel
Rec. Plat	Liber	Folio
	Block	Lot

SEE EXHIBIT B

25 APPLICANT ACKNOWLEDGEMENT:

I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.
I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

NAME Jack L. Baylin, Robert G. Merrick (Type or Print)
(Landowner, Contract Purchaser and/or Legal Representative)
SIGNATURE *Jack L. Baylin* *Robert G. Merrick*
Managing Partner Managing Partner

Application Must be Presented in Person

EXHIBIT 1

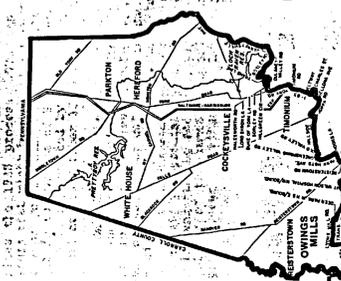
BALTIMORE COUNTY
COUNCIL
1988 REZONING



PROPERTY OF
RICHARD A. REID



HON. C.A. DUTCH RUPPELBERGER III
COUNCIL OFFICE 887-3387



THIRD COUNCILMANIC DISTRICT

EXHIBIT 2

DATE: 10/7/88
SHEET: 41

NO.	APPLICANT'S NAME	LOCALITY	EXISTING ZONING	REQUESTED ZONING	EXISTING ACREAGE	REQUESTED ACREAGE	COMMENTS
3-304	In William S. Hunt Blau	1400 North Hill Rd. on B	DR 15	DR 15	25.00	25.00	
3-305	Berman & Berenson Miller	1000 Old Forge Hill Rd. at Intersection with Dillfield Rd	DR 15	DR 15	3.08	3.08	
3-306	Thomas Lennett	1 side of Rock Hill Rd 1000	DR 15	DR 15	31.04	31.04	See Issue 3-327
3-307	Michaela Properties	1400 North Hill Rd. on B	DR 15	DR 15	27.66	27.66	
3-308	William S. Hunt Blau	1400 North Hill Rd. on B	DR 15	DR 15	18.27	18.27	
3-309	Michaela Properties	1400 North Hill Rd. on B	DR 15	DR 15	175.00	175.00	
3-310	Michaela Properties	1400 North Hill Rd. on B	DR 15	DR 15	175.00	175.00	

EXHIBIT A

PARCEL	ZONING	IN-PARCEL ACREAGE		OUT-PARCEL ACREAGE		TOTAL ACREAGE	
		EXISTING	REQUESTED	EXISTING	REQUESTED	EXISTING	REQUESTED
I	DR 10.5	3.53	0	0	0	3.53	0
	OT	17.76	21.69	0	0	17.76	21.29
	TOTAL	21.29	21.29	0	0	21.29	21.29
IIa	RAE 2	43.29	0	19.54	0	62.83	0
	DR 10.5	0.21	0	0	0	0.21	0
	EM	0	1.69	0	0	0	1.69
	OT	0	41.81	0	19.54	0	61.35
	TOTAL	43.50	43.50	19.54	19.54	63.04	63.04
IIb	RAE 2	4.13	7.22	0.30	0.5	4.43	7.72
	ML-IM	6.72	3.63	0.20	0.3	6.92	3.93
	OT	0	0	0.30	0	0.3	0
	TOTAL	10.85	10.85	0.80	0.8	11.65	11.65
IIIa	RAE 2	69.50	0	0.5	0	70.00	0
	OT	0.74	69.81	0	5.44	0.74	75.25
	EM	0	0.43	0	0	0	0.43
	BM-CT	0	0	4.94	0	4.94	0
	TOTAL	70.24	70.24	5.44	5.44	75.68	75.68
IIIb	RAE 1	8.76	8.76	0	0	8.76	8.76
	OT	12.43	13.18	0	0	12.43	13.18
	EM-CT	0.75	0	0	0	0.75	0
	TOTAL	21.94	21.94	0	0	21.94	21.94
IV	DR 16	88.53	65.02	0	0	88.53	65.02
	RAE 1	6.76	0	0	0	6.76	0
	EM	0	8.85	0	0	0	8.85
	O2	0	15.84	0	0	0	15.84
	OT	0	5.58	0	0	0	5.58
	TOTAL	95.29	95.29	0	0	95.29	95.29

EXHIBIT 3

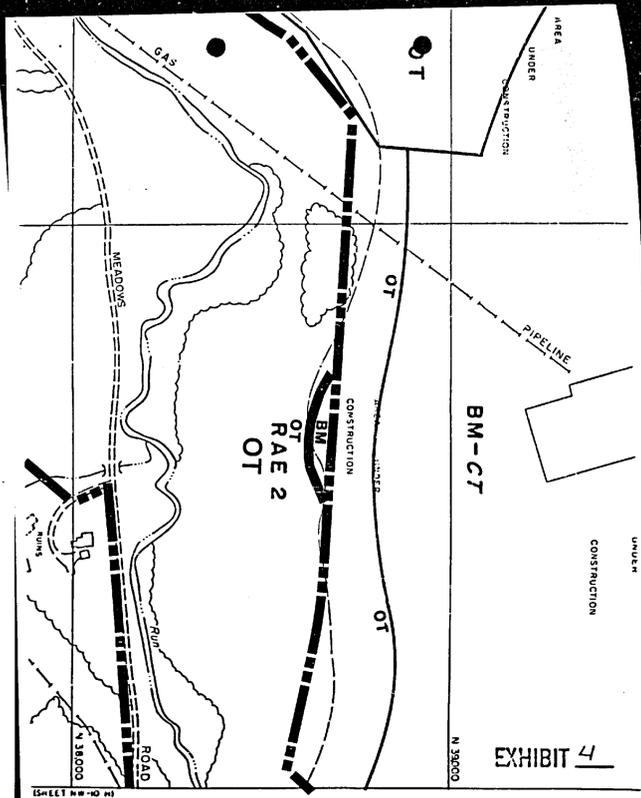


EXHIBIT 4

DESCRIPTION OF PROPOSED LAND USE & ZONING

As the development of Owings Mills Town Center area occurs through time it is important to analyze what has made the development successful and what kind of future land uses will continue this growth. It is important that each new land use be appropriate to the economic development and provide a balance of land uses generally consistent with the goals and intent of Baltimore County Master Plan and specifically the Owings Mills Town Center plan. To accomplish the above goals each land parcel needs to be analyzed for its specific location within the area, to its physical site conditions, its marketability, its relationship to adjacent uses, and to other influences such as highways, access and visibility as they effect land use.

A parcel of land between proposed Red Run Boulevard and the proposed Red Run Lake is currently zoned RAE 2 which basically would limit this site to high density housing. This parcel of land is bounded south by an OT zone, ML-IM on the north and faces OT zoning adjacent to the mall. This key parcel labeled IIIa on the rezoning plan is highly influenced by views to the mall and adjacent office towers, a large capacity road system, views of potential lake and to the south, potential high density office towers. Due to these factors and due to market demand for additional land uses other than high density housing, it is requested that the best land use for this site be provided in an OT zone. This OT zone change would allow an exciting mixture of land uses, provide a better balanced response to the marketplace, increase the potential for more around the clock activities with offices as well as housing and some retail uses and increase the public exposure to the valuable waterfront activity potential. The parcel labeled IIb to the north would remain RAE 2 as it is physically separated from other sites by steep sided ravines, roads, and its small size is limiting to other land uses. A small parcel of existing ML-IM would change to RAE 1 to align zoning lines with physical improvements such as roads and allow a reasonable sized and shaped parcel of land to be formed.

A parcel of land labeled IIIa is a steeply sloped parcel of land currently zoned RAE-2. This land parcel is strongly influenced by views to the mall and adjacent OT zones at the intersection of Owings Mills Boulevard and Red Run Boulevard. It is down a hill in elevation from adjacent RAE-1 land for which there is no current market demand. A proposed OT zone would be compatible with Town Center uses and add a balance of land uses with the residential planned unit development of lake side, existing DR-16 and other RAE land zones.

A small parcel of land adjacent to the mall between Red Run Boulevard to the north and flood plain to the south is currently zoned RAE-2. Its size of only .43 of an acre is obviously too small for residential use and should be rezoned BM-CT compatible in use and complementary to the mall and adjacent Red Run Boulevard influence.

LANDSCAPE ARCHITECTURE
AND LAND PLANNING
3301 Centre, Suite 6100
4000 Chestnut Avenue
Baltimore, Maryland 21211
(410) 946-5559

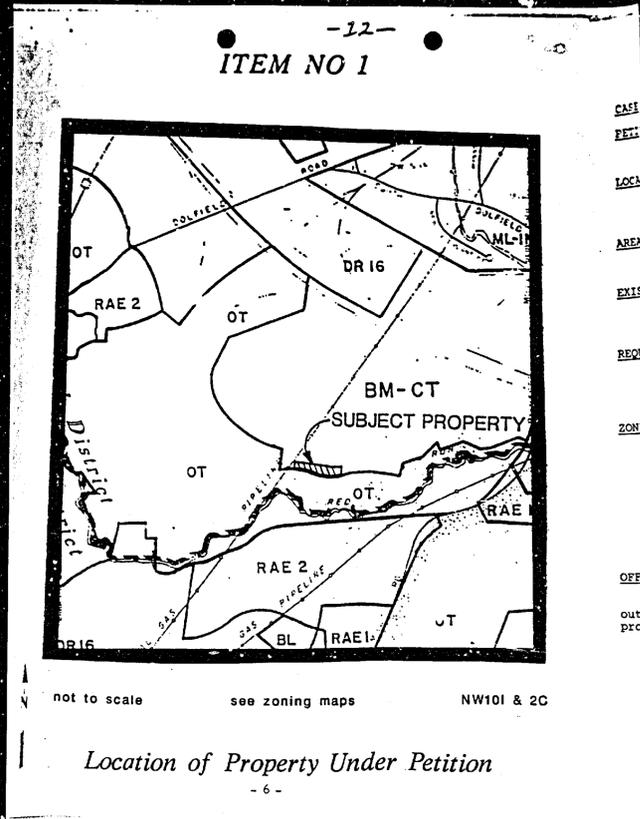
EXHIBIT 5

- 11 -

BALTIMORE COUNTY, MD
RECOMMENDATIONS OF THE OFFICE OF PLANNING AND ZONING
AND THE PLANNING BOARD

ITEM NO.	PETITIONER	LOCATION	ACREAGE	EXISTING ZONING	RECLASSIFIED ZONING	OFFICE RECOMMENDATION	PLANNING BOARD RECOMMENDATION
ITEM NO. 1	Painters Mill Venture	272 1/2 Red Run Blvd 2,841' E., Centerline Owings Mills Blvd	1.85	B.M.-C.T.	B.M.-C.S.A.	B.M.-C.S.A.	B.M.-C.S.A.
ITEM NO. 2	Caves Face Township Co.	MM'S Caves Rd, 800' NE of Baromet Rd (NE of Garrison Forest Rd)	43.50	R.C.2	R.C.5	R.C.2	R.C.2
ITEM NO. 3	Thomas J. S. Frederic Graziano	MM'S Freshland Rd 2,330' NE of Middletown Rd	8.88	R.C.2	R.C.5	R.C.5	R.C.2
ITEM NO. 4	Dickie Howard Goodman	NE/3 Thornton Hill Rd 2,400' MH Centerline	40.14	R.C.4	D.R.10.5	R.C.4	R.C.4
ITEM NO. 5	Felix L. Dequillo	MM'S Cinder Rd, 185.2' E. of Centerline of York Rd	.228	D.R.5.5	B.L. or B.R.	B.L.	B.L.
ITEM NO. 6	George P. Karasgorgos	SE cor. York Rd & Heddington Rd (1423 York Rd)	.198	R-0	B.L.	R-0	R-0
ITEM NO. 7	Ida Ltd Partnership	MM'S Belair Rd, 440' NE of Centerline of Putty Mill Ave. (Perry Mills Parcel)	20.25	D.R.5.5	B.R.	D.R.5.5	D.R.5.5
ITEM NO. 8	Charles C. E. Merilee O'neal, Jr	MM'S Marks Ave., 645' NE of Centerline of Fullerton Ave.	.494	D.R.5.5	B.R.	D.R.5.5	D.R.5.5
ITEM NO. 9	George J. Quittenberger, et ux	NH cor. Old Eastern Ave. & Ann Ave.	.21	D.R.14	B.R. with a request for Special Exception	B.R.	B.R.

HEARSCH/XT/TEL
1/21/90



- 15 -

TRAFFIC/ROADS:
The property has direct access to Red Run Boulevard which is a major collector with four travel lanes on an 83 ft. right-of-way.

PROPERTIES IN THE VICINITY:
The subject property is bounded by the Owings Mills Mall to the north, the Columbia Gas Transmission Corporation right-of-way to the south and park and open space to the east and west.

WATER/SEWER:
The parcel is served by public water and sewer. The area is designated a W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

DOCUMENTED SITE PLAN:
A plat has been provided which indicates a site outline of the subject property.

ZONING HISTORY:
The zoning history of the property is as follows:
1976-1984 - R.C.3
1984 - R.A.E.
1988 - B.M.-C.T.

This site was map issue (#3-309) and was considered during the 1988 Comprehensive Zoning Map process. This issue involved a rezoning request from R.C. 3 to B.M.-C.T. which was granted by the County Council.

INTER-AGENCY COMMENTS:
See attached.

PK:JL:gal
C90170/ZAC1

A-90-170
Painters Mill Venture

Ed 10
St Ep 11
12

Mr. Diller's
Rec of Plan / Staff
Mon of C. Kawa

- 13 -

CYCLE II, ITEM 1

CASE NO. C90-170
PETITIONER:
Painters Mill Venture

LOCATION:
South side Red Run Boulevard, 2061 feet east of the centerline of Owings Mills Boulevard.

AREA OF SITE:
1.85 acres

EXISTING ZONING:
B.M.-C.T. (Business, Major Zone, Commercial, Town-Center Core District).

REQUESTED ACTION:
Reclassification to B.M.-C.S.A. (Business Major Zone, Commercial, supporting area) in order to allow the provision of a gas station.

ZONING OF ADJACENT PROPERTIES/USE:
North - B.M.-C.T., Owings Mills Mall
South - O.T., Columbia Gas Transmission Corporation right-of-way/future Red Run Stream Valley Park.
East - O.T., B.M., B.M.-C.T., Unimproved/Stream Valley Park
West - O.T., B.M.-C.T., Unimproved/Owings Mills Boulevard (now under construction).

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION:
The Petitioner has submitted an open plan which indicates an outline of the property. In reference to this request, staff provides the following information:
- This parcel was reclassified during the 1988 Comprehensive Zoning Map process with the expressed purpose of providing a site for the location of an automotive service station to serve the Owings Mills Town Center. Unfortunately, B.M.-C.T. zoning does not permit such a use unless the property is part of a planned shopping center. Since the subject site is not contiguous to the Owings Mills Mall, a change in zoning is required for the desired use.

- 7 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 5, 1990

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, MD 21284

Dennis F. Kasmussen
County Executive

RE: Item No. 1
Case No. R90-170
Petitioner: Painters Mill Venture
Reclassification Petition

Dear Mr. Reid:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content, and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1989. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

- 14 -

The subject property lies within the Owings Mills Town Center. Based upon an analysis of the property and the zoning history, staff supports the Petitioner's request.

PLANNING BOARD RECOMMENDATION:
The Planning Board recommends the Petitioner's request be granted; however, the following areas of concern need to be addressed:
- The Planning Board is concerned with the site's proximity to the Red Run and the environmental impact of the proposed use.
- In addition, extensive review of the site by the Department of Environmental Protection and Resource Management (DEPRM) is recommended prior to any development of the property.

PROPOSED VS. EXISTING ZONING:
Regulations governing the B.M. zone can be found in Section 233 B.C.Z.R., Section 259.2 outlines the provisions of the C.S.A. district

	B.M.-C.T.	B.M.-C.S.A.
Floor Area Ratio	5.5	4.0
Height	1 1/2 times allowed in B.M.	40 ft. or height tent
Setbacks	Adjacent to residential Average front, none others required.	Similar to residential zone.
Buffers	8 ft. between parking and adjacent residential uses.	

The C.S.A. district may only be applied to, 1) areas contiguous to C. C. C. or C.T. districts, 2) service areas for town center commercial cores, and 3) do not extend more than 750 ft. from a C.T. district.

Automobile service stations are allowed as special exceptions in Section 233.4 B.C.Z.R., subject to the provisions of Section 405 B.C.Z.R. which outline criteria for service stations. Service stations are allowed in the C.S.A. district.

SITE DESCRIPTION:
The subject location is a level plateau rising above the Red Run Flood Plain. The site is currently unimproved.

- 8 -

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jack L. Baylin
Painters Mills Venture
Suite 202, 106 Old Court Road
Pikesville, MD 21208

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
8th day of August, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Reid
Chairman,
Zoning Plans Advisory Committee

Petitioner: Painters Mill Venture, et al
Petitioner's Attorney: Richard A. Reid

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2536
(301) 887-4500
Paul H. Reincke
Chief

OCTOBER 13, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PAINTERS MILL VENTURE
Location: S/S RED RUN BOULEVARD
Item No.: R-90-170 Zoning Agenda: OCTOBER, 1989-
WESTERN SECTOR APRIL, 1990
1

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. Jeff Kelly* 10-17-89 Noted and Approved *Capt. W. Brad*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

OCT 17 1989

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Board of Appeals Date: March 6, 1990
FROM: C. Richard Moore, Bureau Chief, Bureau of Traffic Engineering
SUBJECT: CASE #R-90-170

At the request of Richard Reid in the subject zoning case, we offer the following information:
Our review of Red Run Boulevard indicates that it is not a Town Center distributor by-pass as set forth in the zoning regulations.

CRM:bza

\$685.56
CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on November 1, 1989

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER
S. George O'Leary
Publisher

BALTIMORE COUNTY, MARYLAND

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE APRIL, 1989 - OCTOBER, 1989 ZONING RECLASSIFICATION CYCLE I

WESTERN SECTOR

- Property Owner: Painters Mill Venture
Case No./Hearing Date: 8-90-170, March 7, 1990
Contract Purchaser: ---
Location: S/S Red Run Boulevard, 2,000' E centerline Orange Mills Blvd. (10375 Red Run Blvd.)
Existing Zoning: R-C-2
Election District: 4th
Councilmatic District: 2nd
Acres: 1.8591
Proposed Zoning: R.C.-5

NORTHERN SECTOR

- Property Owner: Caves Farm Investment Company
Case No./Hearing Date: 8-90-171, March 14, 1990
Contract Purchaser: Garrison Acres Corporation
Location: 8000 Caves Road, 500' NE of Forest Road (E of Garrison Forest Road)
Existing Zoning: R-C-2
Election District: 4th
Councilmatic District: 2nd
Acres: 2.803
Proposed Zoning: R.C.-5

- Property Owner: Thomas D. & Fredda S. Graziano
Case No./Hearing Date: 8-90-172, March 21, 1990
Contract Purchaser: ---
Location: 8000 Freeland Road, 2,320' NE of Midlinton Road
Existing Zoning: R-C-2
Election District: 4th
Councilmatic District: 2nd
Acres: 2.803
Proposed Zoning: R.C.-5

CENTRAL SECTOR

- Property Owner: Dicke Howard Gordon
Case No./Hearing Date: 8-90-173, March 27, 1990
Contract Purchaser: ---
Location: 8000 Thornton Hill Road, 7,400' NE centerline York Rd.
Existing Zoning: R-C-2
Election District: 4th
Councilmatic District: 2nd
Acres: 60.143
Proposed Zoning: R.C.-5

- Property Owner: Felix L. Despolito, et al
Case No./Hearing Date: 8-90-174, April 4, 1990
Contract Purchaser: ---
Location: 8000 Clumber Road, 105' S of centerline of York Road (E of Clumber Road)
Existing Zoning: R-C-2
Election District: 4th
Councilmatic District: 2nd
Acres: 0.278
Proposed Zoning: R.C. or R.L.

- Property Owner: George F. Rasmussen
Case No./Hearing Date: 8-90-175, April 10, 1990
Contract Purchaser: ---
Location: 8000 York Road & Haddington Rd. (E of York Road)
Existing Zoning: R.C.
Election District: 4th
Councilmatic District: 2nd
Acres: 0.198
Proposed Zoning: R.C.

EASTERN SECTOR

- Property Owner: George J. Callender, et al
Case No./Hearing Date: 8-90-176A, May 2, 1990
Contract Purchaser: ---
Location: 8000 Old Eastern Avenue S. (E of 8000 Old Eastern Ave.)
Existing Zoning: R.C.
Election District: 4th
Councilmatic District: 2nd
Acres: 0.21
Proposed Zoning: R.C.

LOCATIONS OF PROPERTIES UNDER PETITION

WESTERN CENTRAL EASTERN

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
WILLIAM HACKETT,
CHAIRMAN, COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY AND
P. DAVID FIELDS
DIRECTOR OF PLANNING AND ZONING

8 November, 8:48, Northwest STAR - Page 1B

Copy of Ad ran in Northwest Star on 11-8-89.

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 - APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Parkers Mill Ventures
 Jack Baylis, Mgr. Part
 Case No. Hearing Date: R-90-170, March 7, 1990
 Contract Purchaser: —
 Location: S/S Red Run Boulevard, 2.061 E
 centerline Overing Mills Blvd. (10375 Red Run Blvd.)
 Existing Zoning: B.M. — C.T.
 Election District: 4th
 Councilmanic District: 3rd
 Acres: 1.651
 Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
 Case No. Hearing Date: CR-90-171, March 14, 1990
 Contract Purchaser: Garrison Forest Corporation
 Location: N/W/S Caves Road, 500' NE of Barometer Road
 (NE of Garrison Forest Road)
 Existing Zoning: R.C. — 2
 Election District: 4th
 Councilmanic District: 3rd
 Acres: 63.50
 Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Frieda Z. Grabano
 Case No. Hearing Date: R-90-172, March 21, 1990
 Contract Purchaser: —
 Location: N/W/S Fresh Rd, 2,300' NE of Middletown Rd.
 Existing Zoning: R.C. — 2
 Election District: 6th
 Councilmanic District: 3rd
 Acres: 5.883
 Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: Deches Howard Goodman
 Case No. Hearing Date: R-90-173, March 27, 1990
 Contract Purchaser: —
 Location: NE/S Thomson Mill Road,
 2,400' NW centerline York Rd.
 Existing Zoning: R.C. — 4
 Election District: 8th
 Councilmanic District: 3rd
 Acres: 60.143
 Proposed Zoning: D.R. — 10.5

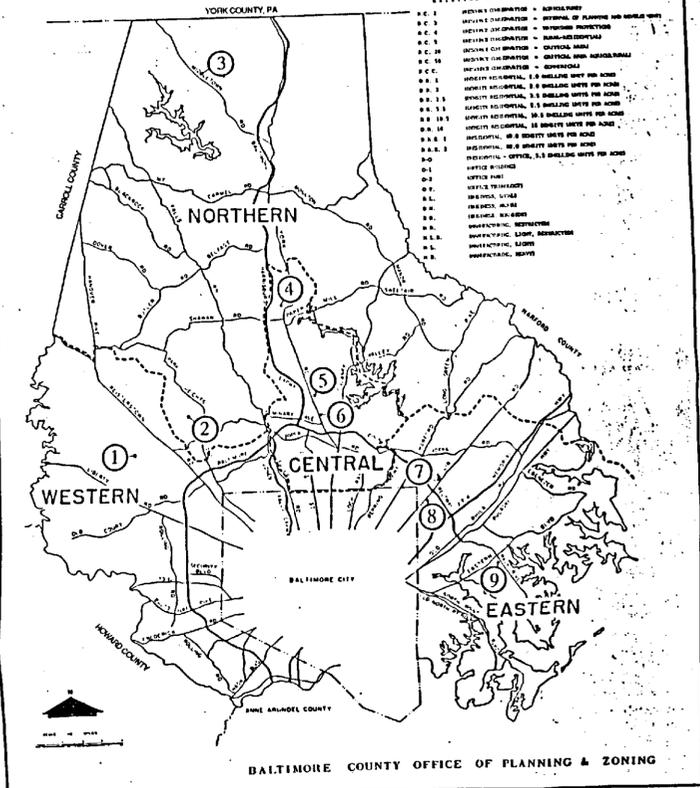
5. Property Owner: Felix L. Daugello, et al.
 Case No. Hearing Date: CR-90-174, April 4, 1990
 Contract Purchaser: —
 Location: N/S Cedar Road, 185.2' E of centerline
 of York Rd. (#2 Cedar Road)
 Existing Zoning: D.R. — 5.5
 Election District: 4th
 Councilmanic District: 4th
 Acres: 0.228
 Proposed Zoning: B.R. or B.L.

6. Property Owner: George P. Karageorgos
 Case No. Hearing Date: R-90-175, April 10, 1990
 Contract Purchaser: —
 Location: SE/Soor York Road & Haddington Rd.
 (1823 York Road)
 Existing Zoning: R.O.
 Election District: 4th
 Councilmanic District: 4th
 Acres: 0.198
 Proposed Zoning: B.L.

EASTERN SECTOR

7. Property Owner: Ida Ltd Partnership
 by E. Scott Moore
 Case No. Hearing Date: R-90-176, April 18, 1990
 Contract Purchaser: —
 Location: N/W/S Beiler Road, 440' NE of centerline of
 Putty Hill Ave. ("Perry Hill" Parcel)
 Existing Zoning: D.R. — 5.5
 Election District: 14th
 Councilmanic District: 6th
 Acres: 20.266
 Proposed Zoning: B.F.

LOCATIONS OF PROPERTIES UNDER PETITION



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

8. Property Owner: Charles C. & Marilee Deaver, Jr.
 Case No. Hearing Date: R-90-177, April 24, 1990
 Contract Purchaser: Task Force Group Limited
 Location: N/W/S Marks Avenue, 665' NE of centerline of
 Fullerton Avenue
 Existing Zoning: D.R. — 5.5
 Election District: 14th
 Councilmanic District: 6th
 Acres: 0.494
 Proposed Zoning: B.R.

9. Property Owner: George J. Guntenther, et al.
 Case No. Hearing Date: R-90-178A, May 2, 1990
 Contract Purchaser: —
 Location: N/W/S Beiler Road, 440' NE of centerline of
 Putty Hill Ave. ("Perry Hill" Parcel)
 Existing Zoning: D.R. — 16
 Election District: 15th
 Councilmanic District: 6th
 Acres: 0.21

Proposed Zoning: B.R. & Special Exception for contractor
 equip. storage yard & Variance to Section 238.1, to
 permit a front yard setback of 3 ft. in lieu of the
 required 25 ft.; Section 238.2, to permit a side yard
 setback of 17 ft. in lieu of the required 30 ft. and a
 rear yard setback of 1.5 ft. in lieu of the required 30 ft.;
 Section 238.3 (see Section 409 Variance) & 238.4, to permit
 storage of vehicles, materials or equipment within 3
 ft. of the front property line in lieu of the required 10 ft.
 Also Section 409 A.2, to allow parking & driveways to
 be surfaced with crushed run stone in lieu of the
 required paving; Section 409 A.6, to permit all parking
 not to be striped; and Section 409 A.8, to permit
 parking D.R. from the street right-of-way in lieu of
 the required 10 ft.

LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
 WILLIAM HACKETT,
 CHAIRMAN, COUNTY BOARD OF APPEALS
 FOR BALTIMORE COUNTY AND
 P. DAVID FIELDS
 DIRECTOR OF PLANNING AND ZONING

Copy of Ad ran in NE Times Reporter/Booster on 11-2-89.

THIS IS TO CERTIFY that the annexed advertisement was
 published in THE JEFFERSONIAN, a weekly newspaper published
 in Towson, Baltimore County, Md., once in each of 2 successive
 weeks, the first publication appearing on 11-2-89.
 TOWSON, MD., November 10, 1989
 \$2,978.64
 CERTIFICATE OF PUBLICATION
 THE JEFFERSONIAN,
 Publisher

PO 18442
M 134297

PUBLIC NOTICE

RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1989 - APRIL, 1990 ZONING RECLASSIFICATION CYCLE II

WESTERN SECTOR

1. Property Owner: Parkers Mill Ventures
 Jack Baylis, Mgr. Part
 Case No. Hearing Date: R-90-170, March 7, 1990
 Contract Purchaser: —
 Location: S/S Red Run Boulevard, 2.061 E
 centerline Overing Mills Blvd. (10375 Red Run Blvd.)
 Existing Zoning: B.M. — C.T.
 Election District: 4th
 Councilmanic District: 3rd
 Acres: 1.651
 Proposed Zoning: B.M. — C.S.A.

NORTHERN SECTOR

2. Property Owner: Caves Farm Investment Company
 Case No. Hearing Date: CR-90-171, March 14, 1990
 Contract Purchaser: Garrison Forest Corporation
 Location: N/W/S Caves Road, 500' NE of Barometer Road
 (NE of Garrison Forest Road)
 Existing Zoning: R.C. — 2
 Election District: 4th
 Councilmanic District: 3rd
 Acres: 63.50
 Proposed Zoning: R.C. — 5

3. Property Owner: Thomas J. & Frieda Z. Grabano
 Case No. Hearing Date: R-90-172, March 21, 1990
 Contract Purchaser: —
 Location: N/W/S Fresh Rd, 2,300' NE of Middletown Rd.
 Existing Zoning: R.C. — 2
 Election District: 6th
 Councilmanic District: 3rd
 Acres: 5.883
 Proposed Zoning: R.C. — 5

CENTRAL SECTOR

4. Property Owner: Deches Howard Goodman
 Case No. Hearing Date: R-90-173, March 27, 1990
 Contract Purchaser: —
 Location: NE/S Thomson Mill Road,
 2,400' NW centerline York Rd.
 Existing Zoning: R.C. — 4
 Election District: 8th
 Councilmanic District: 3rd
 Acres: 60.143
 Proposed Zoning: D.R. — 10.5

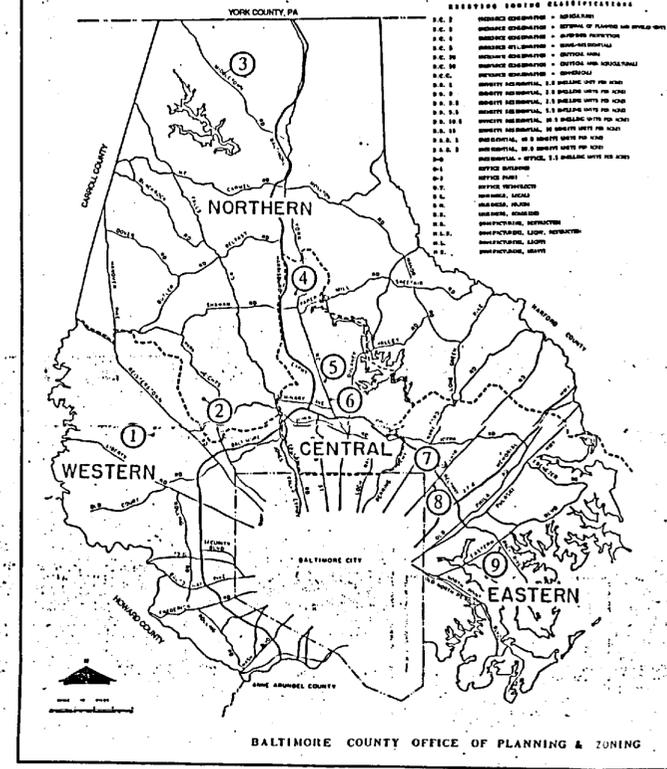
5. Property Owner: Felix L. Daugello, et al.
 Case No. Hearing Date: CR-90-174, April 4, 1990
 Contract Purchaser: —
 Location: N/S Cedar Road, 185.2' E of centerline
 of York Rd. (#2 Cedar Road)
 Existing Zoning: D.R. — 5.5
 Election District: 4th
 Councilmanic District: 4th
 Acres: 0.228
 Proposed Zoning: B.R. or B.L.

6. Property Owner: George P. Karageorgos
 Case No. Hearing Date: R-90-175, April 10, 1990
 Contract Purchaser: —
 Location: SE/Soor York Road & Haddington Rd.
 (1823 York Road)
 Existing Zoning: R.O.
 Election District: 4th
 Councilmanic District: 4th
 Acres: 0.198
 Proposed Zoning: B.L.

EASTERN SECTOR

7. Property Owner: Ida Ltd Partnership
 by E. Scott Moore
 Case No. Hearing Date: R-90-176, April 18, 1990
 Contract Purchaser: —
 Location: N/W/S Beiler Road, 440' NE of centerline of
 Putty Hill Ave. ("Perry Hill" Parcel)
 Existing Zoning: D.R. — 5.5
 Election District: 14th
 Councilmanic District: 6th
 Acres: 20.266
 Proposed Zoning: B.F.

LOCATIONS OF PROPERTIES UNDER PETITION



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

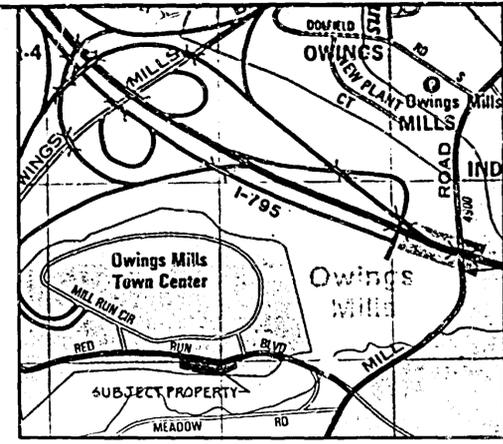
8. Property Owner: Charles C. & Marilee Deaver, Jr.
 Case No. Hearing Date: R-90-177, April 24, 1990
 Contract Purchaser: Task Force Group Limited
 Location: N/W/S Marks Avenue, 665' NE of centerline of
 Fullerton Avenue
 Existing Zoning: D.R. — 5.5
 Election District: 14th
 Councilmanic District: 6th
 Acres: 0.494
 Proposed Zoning: B.R.

9. Property Owner: George J. Guntenther, et al.
 Case No. Hearing Date: R-90-178A, May 2, 1990
 Contract Purchaser: —
 Location: N/W/S Beiler Road, 440' NE of centerline of
 Putty Hill Ave. ("Perry Hill" Parcel)
 Existing Zoning: D.R. — 16
 Election District: 15th
 Councilmanic District: 6th
 Acres: 0.21

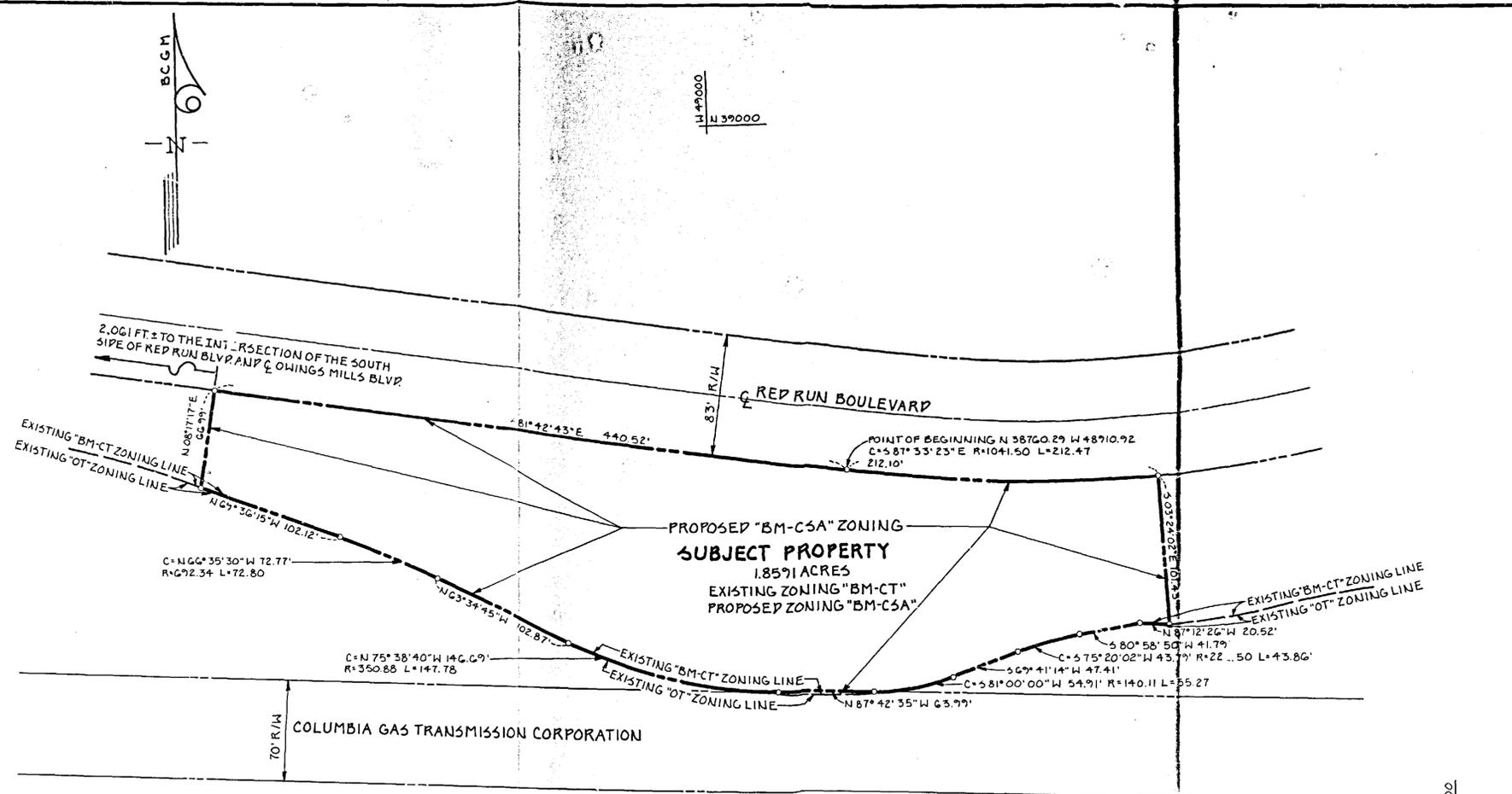
LISTINGS OF PETITIONS: Numbers in the listings are keyed to the map above

BY ORDER OF
 WILLIAM HACKETT,
 CHAIRMAN, COUNTY BOARD OF APPEALS
 FOR BALTIMORE COUNTY AND
 P. DAVID FIELDS
 DIRECTOR OF PLANNING AND ZONING

Reduced Copy of Ad ran in Jeffersonian on 11-2-89 and 11-9-89.

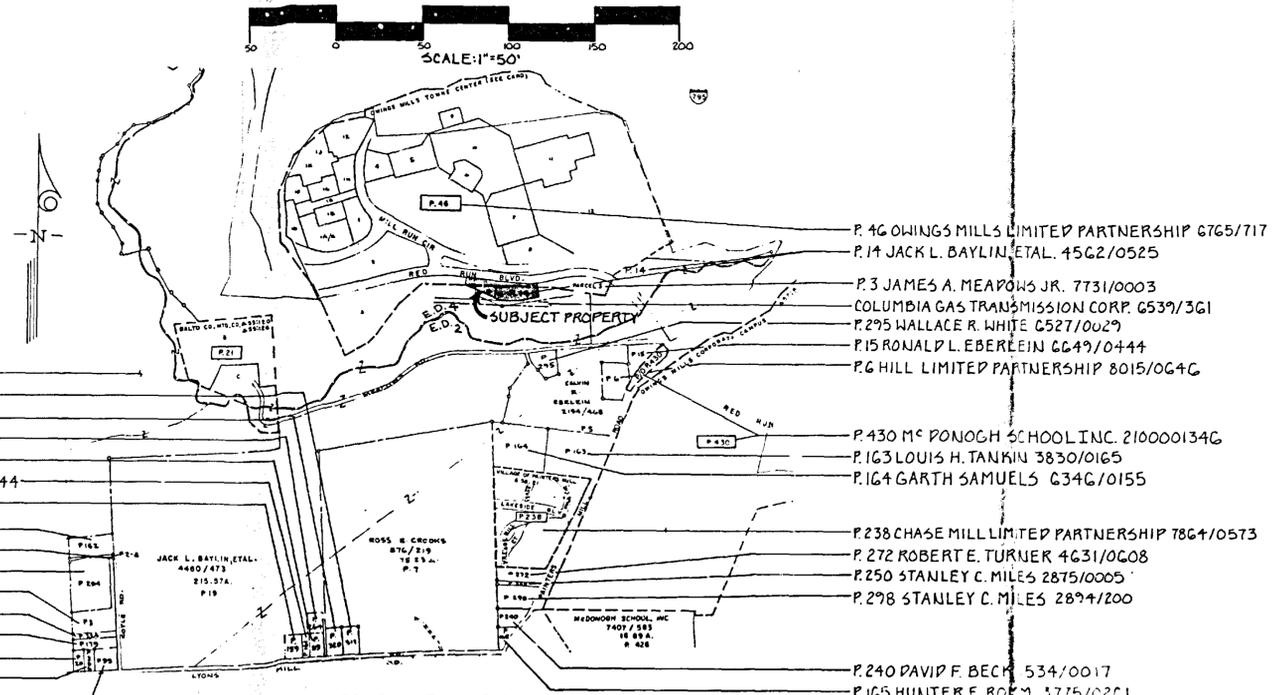


VICINITY MAP
SCALE: 1"=1,000'



SITE PLAN

SCALE: 1"=50'



- P. 65 GARRISON FOREST SCHOOL 1041/0463
- P. 317 ROSS A. CROOKS 5181/0492
- P. 320 ROBERT W. HANKS 5792/0682
- P. 264 CHAMP B. PURSLEY 7182/0167
- P. 87 ETHEL L. CHURAN 5753/0721
- P. 161 MARGARET P. ROSENBERGER 7861/0744
- P. 159 WILLIAM W. KIRK 3RD 7814/0749
- P. 162 GORPON J. COYLE 3841/589
- P. 248 GORPON J. COYLE 4425/0121
- P. 294 DONALD NELSON 5941/0797
- P. 3 JAMES A. MEADOWS JR. 7731/0003
- P. 224 JOHN W. RAFFERTY 4304/0089
- P. 179 JOHN W. RAFFERTY 3998/0343
- P. 20 ECKHART S. SMINK 6666/0286
- P. 306 JOSEPH FERTITTA 2964/0410
- P. 99 DAVID T. COYLE 3881/0053
- P. 46 OWINGS MILLS LIMITED PARTNERSHIP 6765/717
- P. 14 JACK L. BAYLIN, ETAL. 4562/0525
- P. 3 JAMES A. MEADOWS JR. 7731/0003
- COLUMBIA GAS TRANSMISSION CORP. 6539/361
- P. 295 WALLACE R. WHITE 6527/0029
- P. 15 RONALD L. EBERLEIN 6649/0444
- P. 6 HILL LIMITED PARTNERSHIP 8015/0646
- P. 430 M^C PONOGH SCHOOL INC. 2100001346
- P. 163 LOUIS H. TANKIN 3830/0165
- P. 164 GARTH SAMUELS 6346/0155
- P. 238 CHASE MILL LIMITED PARTNERSHIP 7864/0573
- P. 272 ROBERT E. TURNER 4631/0608
- P. 250 STANLEY C. MILES 2875/0005
- P. 298 STANLEY C. MILES 2894/200
- P. 240 DAVID F. BECK 534/0017
- P. 165 HUNTER E. ROY 3775/0261

EXCERPT FROM 1989 BALTIMORE COUNTY
TAX MAP NO. 67
NOT TO SCALE

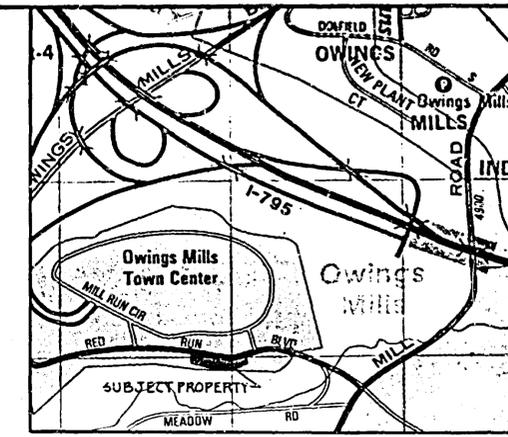
R-90-170
Item 1, Cycle II

I, C. Allen Paugh hereby certify to the best of my knowledge, information and belief that this plat prepared by Fiddle Consultants, Inc. entitled "Plat to Accompany Cycle Zoning Request", dated August 23, 1989 is true and correct and the zoning line shown hereon is an accurate representation of the BM-CT/OT Zoning Line, as shown on Baltimore County 200 Scale Zoning Map N.W. 10-1, as adopted by the Baltimore County Council on October 18, 1988.

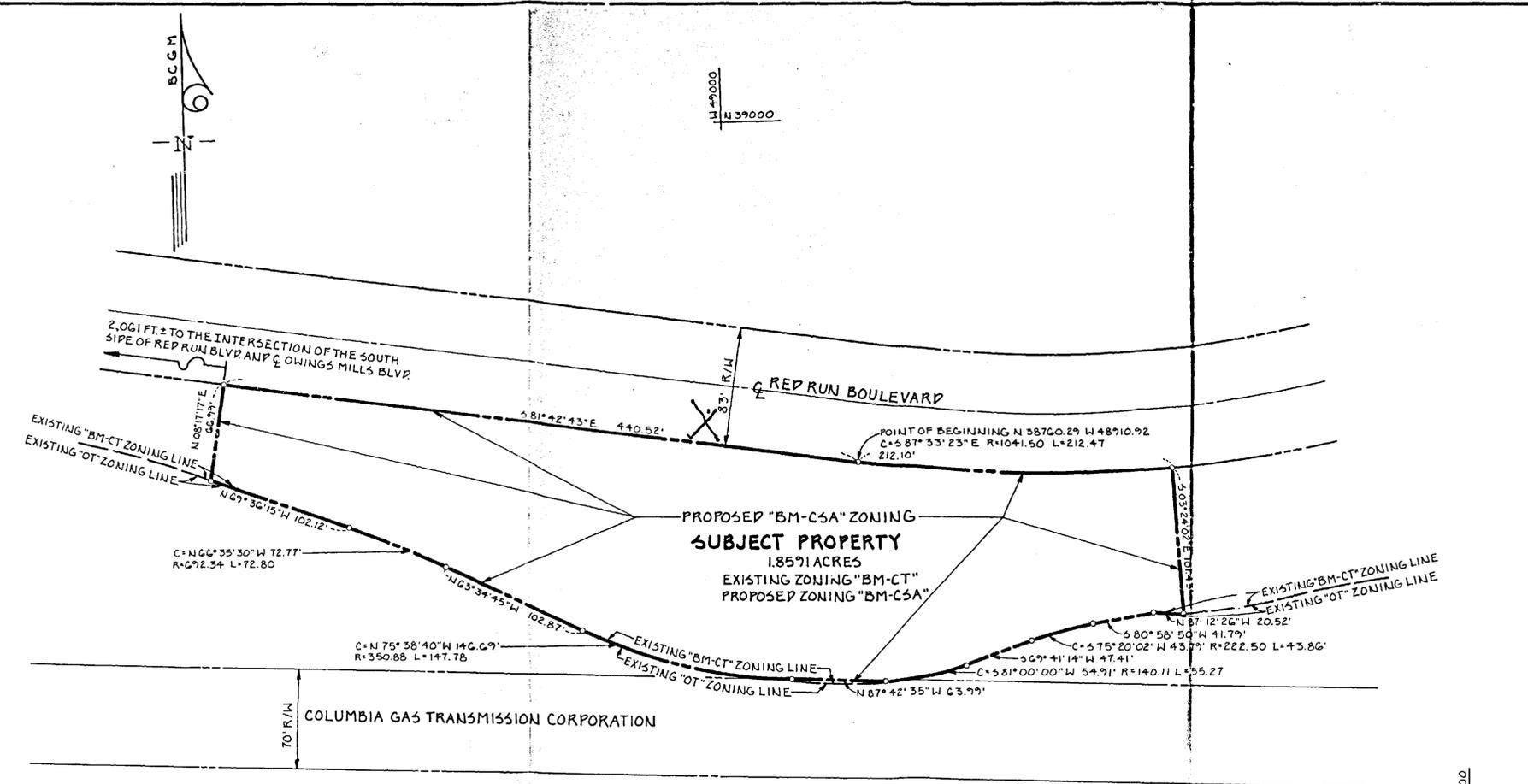
C. Allen Paugh
Registered Property Line Surveyor
Maryland License No. 475
Date 8-29-89



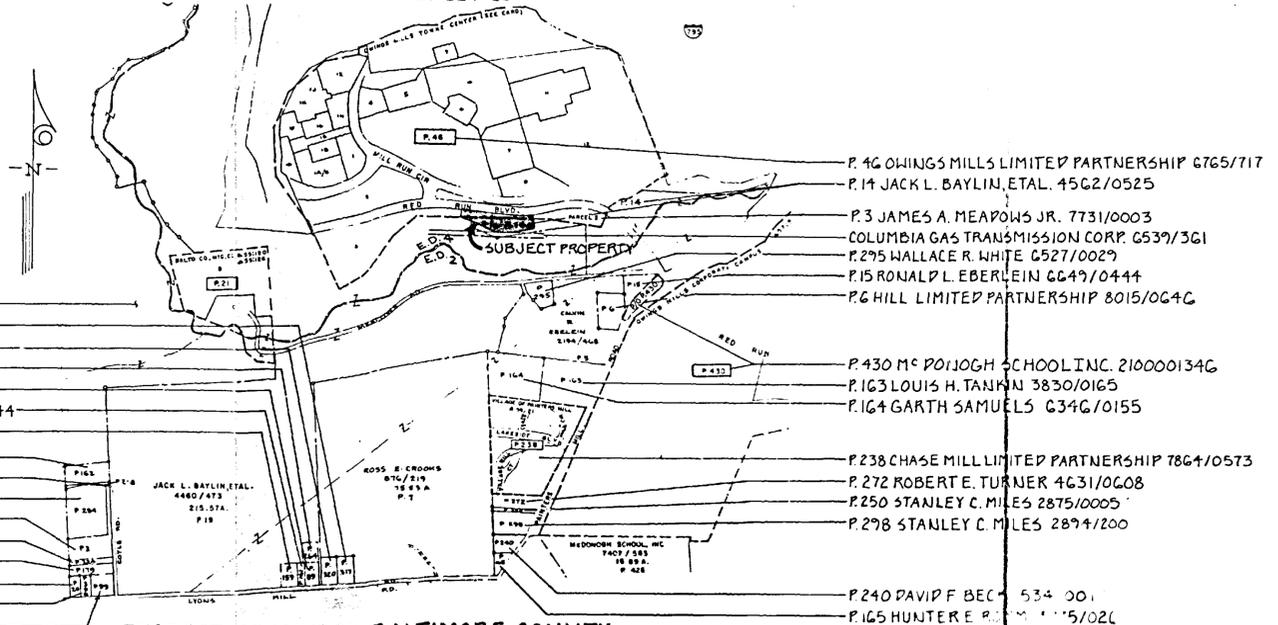
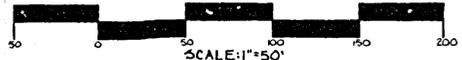
Drafting CLY	DATE	REVISIONS	KIDDE CONSULTANTS, INC. ENGINEERS • PLANNERS • SURVEYORS 1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500	OWNER: PAINTERS MILL VENTURE C/O JACK DAYLIN 106 OLD COURT ROAD SUITE 202 PIKESVILLE, MARYLAND 21208	PLAT TO ACCOMPANY CYCLE ZONING REQUEST	RED RUN BLVD SITE FOR PAINTERS MILL VENTURE COUNCILMANIC DISTRICT NO. 4	SHEET 1	DATE AUG. 23, 1989	JOB NUMBER
Checked CAP							OF 1	SCALE 1"=50'	01-81278R
Design GGD									
Check									



VICINITY MAP
SCALE: 1"=1,000'



SITE PLAN



- P. 65 GARRISON FOREST SCHOOL 1041/0463
- P. 317 ROSS A. CROOKS 5181/0492
- P. 320 ROBERT W. HANKS 5792/0682
- P. 264 CHAMP B. PURSLEY 7182/0167
- P. 87 ETHEL L. CHURAN 5753/0721
- P. 161 MARGARET D. ROSENBERGER 7861/0744
- P. 159 WILLIAM W. KIRK 3rd 7814/0749
- P. 162 GORPON J. COYLE 3841/589
- P. 248 GORPON J. COYLE 4425/0121
- P. 294 DONALD NELSON 5941/0797
- P. 3 JAMES A. MEADOWS JR. 7731/0003
- P. 224 JOHN W. RAFFERTY 4304/0089
- P. 179 JOHN W. RAFFERTY 3998/0343
- P. 20 ECKHART S. SMINK 6666/0286
- P. 306 JOSEPH FERTITTA 2964/0410
- P. 99 DAVID T. COYLE 3881/0053

- P. 46 OWINGS MILLS LIMITED PARTNERSHIP 6765/717
- P. 14 JACK L. BAYLIN, ETAL. 4562/0525
- P. 3 JAMES A. MEADOWS JR. 7731/0003
- COLUMBIA GAS TRANSMISSION CORP. 6539/361
- P. 295 WALLACE R. WHITE 6527/0029
- P. 15 RONALD L. EBERLEIN 6649/0444
- P. 6 HILL LIMITED PARTNERSHIP 8015/0646
- P. 430 M^c DONOHO SCHOOL INC. 2100001346
- P. 163 LOUIS H. TANKAM 3830/0165
- P. 164 GARTH SAMUELS 6346/0155
- P. 238 CHASE MILL LIMITED PARTNERSHIP 7864/0573
- P. 272 ROBERT E. TURNER 4631/0608
- P. 250 STANLEY C. MILES 2875/0005
- P. 298 STANLEY C. MILES 2874/200
- P. 240 DAVID F. BECK 534 001
- P. 165 HUNTER E. ... 115/026

EXCERPT FROM 1989 BALTIMORE COUNTY
TAX MAP NO. 67
NOT TO SCALE

I, C. Allen Paugh hereby certify to the best of my knowledge, information and belief that this plat prepared by Kidde Consultants, Inc. entitled "Plat to Accompany Cycle Zoning Request", dated August 23, 1989 is true and correct and the zoning line shown hereon is an accurate representation of the BM-CT/OT Zoning Line, as shown on Baltimore County 200 Scale Zoning Map N.W. 16-1, as adopted by the Baltimore County Council on October 18, 1988.

C. Allen Paugh
C. Allen Paugh
Registered Property Line Surveyor
Maryland License No. 475
8-23-89
Date

R-90-170
Item 1, Cycle II



Drafting	DATE	REVISIONS
CLY		
CAP		
GDP		
Check		

KIDDE CONSULTANTS, INC.
ENGINEERS • PLANNERS • SURVEYORS
1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204. 301-321-5500

OWNER:
PAINTERS MILL VENTURE CO JACK DANIEL
106 OLD COURT ROAD
SUITE 202
PIKESVILLE, MARYLAND 21208

**PLAT TO ACCOMPANY
CYCLE ZONING REQUEST**

RED RUN BLVD. SITE FOR PAINTERS MILL VENTURE
ELECTION DISTRICT NO. 4
COUNCILMANIC DISTRICT NO. 3

SHEET	DATE	JOB NUMBER
1	AUG. 23, 1989	
OF	SCALE	
1	1"=50'	01-81278R

RE: PETITION FOR ZONING RECLASSIFICATION
S/S Red Run Boulevard
2601' E c/l Owings Mills Road
4th Election District
3rd Councilmanic District
LEGAL OWNER: Painters Mill Venture

SUBPOENA DUCES TECUM

Gentlemen:
Please issue a Subpoena Duces Tecum returnable to Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, at 10:00 a.m. on Wednesday, March 7, 1990, to:

John J. Dillon, Jr.
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

commanding him to appear and be prepared to testify at a hearing in the above-entitled matter and to bring with him all documents including but not limited to notes, memoranda, plats, maps and reports in his custody, control or possession concerning the decision reached by the Planning Staff of Baltimore County and the Baltimore County Council concerning Item 3-309 in the log of issues for the Third Councilmanic District for the 1988 Comprehensive Rezoning of Baltimore County.

Richard A. Reid
Royston, Mueller, McLean & Reid
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-1800
Attorney for Petitioner

BEFORE THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Zoning Case No. R-90-170
PAINTERS MILL VENTURE,
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 17th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

STATEMENT IN SUPPORT OF PETITION FOR ZONING RE-CLASSIFICATION

In accordance with the quadrennial comprehensive rezoning procedure for Baltimore County as set forth in Section 22-21 of the Baltimore County Code (1978), 1987 Cum. Supp., Painters Mill Venture, by Jack L. Baylin and Robert G. Merrick, Jr., its managing partners, submitted a request for rezoning for several parcels of its land generally located northwest of the intersection of Lyons Mill Road and Painters Mill Road in the Third Councilmanic District (copy attached as Exhibit 1). All of such requests were docketed under Item 3-309 in the log of issues for the Third Councilmanic District (copy attached as Exhibit 2). Included in that request was a request to rezone a small parcel of land on the south side of Red Run Boulevard from RAE-2 to BM for an automobile service station to be known as Red Run Auto Center (Exhibits 3, 4 and 5).

The Planning Staff agreed with the requested change of zoning but only if the use of the BM zone would be limited to the proposed use, viz. a full service gasoline station with a convenience facility. To reassure the Planning Staff in this respect, Painters Mill Venture wrote a letter to Jack Dillon, Senior Community Planner for Baltimore County, with a copy to the council person for the Third District, guaranteeing that if the BM zoning were granted, the property would be used only as a full service gasoline station with a convenience facility (copy attached as Exhibit 6). Accordingly, the Planning Staff

recommended a change in zoning by extending the existing BM-CT line to include the proposed site for the filling station. The County Council adopted the Planning Staff's recommendation and rezoned the parcel BM-CT (Exhibits 7 and 8). Bill No. 146-88 doing so was signed by the County Executive on October 20, 1988 and became effective December 4, 1988.

After the maps were adopted it was discovered that a gasoline station such as that proposed which is not part of a planned shopping center is not permitted in a BM-CT zone. Therefore, the site cannot now be utilized for the use which Painters Mill Venture and Baltimore County desired and intended to establish. This was error. The error should be corrected by changing the zoning on the subject property from BM-CT to BM-CSA as indicated on Exhibit 9 and the site plan filed herein to permit the desired use as a matter of right.

Respectfully submitted,

Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
(301) 823-1800
Attorney for Petitioner

88 COMPREHENSIVE ZONING MAP Request For Change
Office of Planning and Zoning
Baltimore County, Maryland

1 APPLICANT'S NAME Jack L. Baylin, Managing Partner, Painters Mill Venture
2 ADDRESS Suite 202; 106 Old Court Road
3 CITY Pikesville STATE Maryland ZIP 21208 PHONE 486-3100
4 ORGANIZATION (if any) COMMUNITY ORGANIZATION INVOLVED:
5 APPLICANT STATUS: (Please Circle one)
Contract Purchaser; Legal Rep.
6 PROPERTY LOCATION NW of Lyons Mill Road/Painters Mill Road Intersection
7 ACREAGE OR LOT SIZE 263.11 acres
8 EXISTING ZONING BY ACRES See Exhibit A
9 EXISTING USE No-development
10 PROPOSED USE (if known) Mixed uses (See-Justification Statement)
11 ZONING HISTORY: 17(a) Comprehensive Zoning Map Process: 18 Issue No. 176 19 Year 84
(if applicable) 20(b) Cycle Zoning: 21 Case No.
12 WATER SERVICE ZONE Reisterstown Fifth
13 SUBSERVED NUMBER (If request is located in more than one subwatershed, the number of dwelling units for each subwatershed must be shown, if known.) Red Run 66
14 Property information from tax bills - Also available from Assessments Recordation Office, Room 48, Court House, Towson, MD 21204 (494-3691)

District	Property Number
Dead	Liber Folio
	Block Lot

SEE EXHIBIT B

15 APPLICANT ACKNOWLEDGEMENT:
I hereby grant permission to Baltimore County for any required field inspections or sign posting of my property in regard to the subject zoning request.
I hereby acknowledge that if the requested zoning is granted, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.

NAME Jack L. Baylin, Robert G. Merrick, Jr. (Landowner, Contract Purchaser and/or Legal Representative)
SIGNATURE [Signatures]
Managing Partner Managing Partner

Application Must be Presented in Person EXHIBIT 1

BALTIMORE COUNTY COUNCIL 1988 REZONING

THIRD COUNCILMANIC DISTRICT

HON. C.A. DUTCH RUPPERSBERGER III
COUNCIL OFFICE 887-3387

PROPERTY OF RICHARD A. REID

EXHIBIT 2

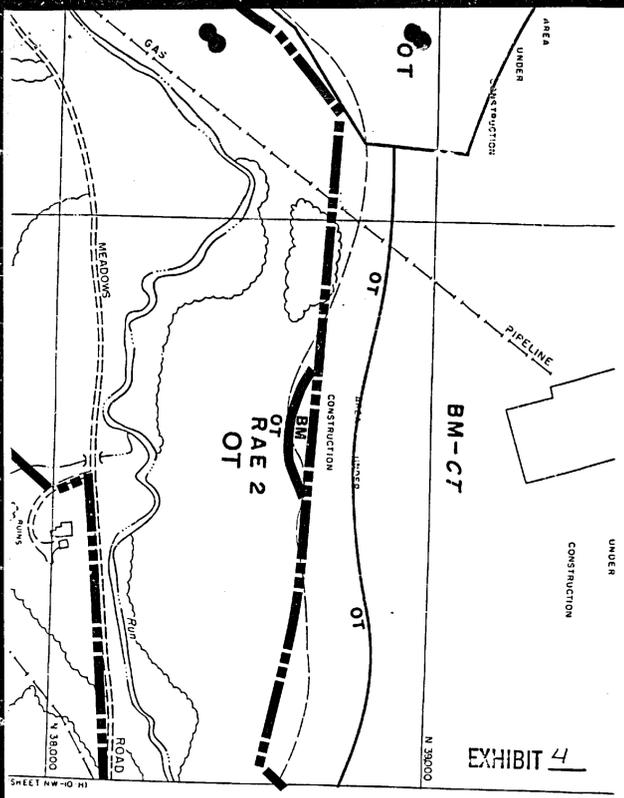
10/7/88
Date: 10/7/88
Sheet: 41

PARCEL	ZONING	EXISTING	REQUESTED	EXISTING	REQUESTED	EXISTING	REQUESTED
I	DR 10.5	3.53	0	0	0	3.53	0
	OT	17.76	21.69	0	0	17.76	21.29
	TOTAL	21.29	21.29	0	0	21.29	21.29
IIa	RAE 2	43.29	0	19.54	0	62.83	0
	DR 10.5	0.21	0	0	0	0.21	0
	EM	0	1.69	0	0	0	1.69
	OT	0	41.81	0	19.54	0	61.35
	TOTAL	43.50	43.50	19.54	19.54	63.04	63.04
IIb	RAE 2	4.13	7.22	0.30	0.5	4.43	7.72
	MC-IN	6.72	3.63	0.20	0.3	6.92	3.93
	OT	0	0	0.30	0	0.3	0
	TOTAL	10.85	10.85	0.80	0.8	11.65	11.65
IIIa	RAE 2	69.50	0	0.5	0	70.00	0
	OT	0.74	69.81	0	5.44	0.74	75.25
	EM	0	0.43	0	0	0	0.43
	BM-CT	0	0	4.94	0	4.94	0
	TOTAL	70.24	70.24	5.44	5.44	75.68	75.68
IIIb	RAE 1	8.76	8.76	0	0	8.76	8.76
	OT	12.43	13.18	0	0	12.43	13.18
	RM-CT	0.75	0	0	0	0.75	0
	TOTAL	21.94	21.94	0	0	21.94	21.94
IV	DR 16	88.53	65.02	0	0	88.53	65.02
	RAE 1	6.76	0	0	0	6.76	0
	DM	0	8.85	0	0	0	8.85
	OZ	0	15.84	0	0	0	15.84
	OT	0	5.58	0	0	0	5.58
	TOTAL	95.29	95.29	0	0	95.29	95.29

EXHIBIT A

PARCEL	ZONING	IN-PARCEL ACREAGE		OUT-PARCEL ACREAGE		TOTAL ACREAGE	
		EXISTING	REQUESTED	EXISTING	REQUESTED	EXISTING	REQUESTED
I	DR 10.5	3.53	0	0	0	3.53	0
	OT	17.76	21.69	0	0	17.76	21.29
	TOTAL	21.29	21.29	0	0	21.29	21.29
IIa	RAE 2	43.29	0	19.54	0	62.83	0
	DR 10.5	0.21	0	0	0	0.21	0
	EM	0	1.69	0	0	0	1.69
	OT	0	41.81	0	19.54	0	61.35
	TOTAL	43.50	43.50	19.54	19.54	63.04	63.04
IIb	RAE 2	4.13	7.22	0.30	0.5	4.43	7.72
	MC-IN	6.72	3.63	0.20	0.3	6.92	3.93
	OT	0	0	0.30	0	0.3	0
	TOTAL	10.85	10.85	0.80	0.8	11.65	11.65
IIIa	RAE 2	69.50	0	0.5	0	70.00	0
	OT	0.74	69.81	0	5.44	0.74	75.25
	EM	0	0.43	0	0	0	0.43
	BM-CT	0	0	4.94	0	4.94	0
	TOTAL	70.24	70.24	5.44	5.44	75.68	75.68
IIIb	RAE 1	8.76	8.76	0	0	8.76	8.76
	OT	12.43	13.18	0	0	12.43	13.18
	RM-CT	0.75	0	0	0	0.75	0
	TOTAL	21.94	21.94	0	0	21.94	21.94
IV	DR 16	88.53	65.02	0	0	88.53	65.02
	RAE 1	6.76	0	0	0	6.76	0
	DM	0	8.85	0	0	0	8.85
	OZ	0	15.84	0	0	0	15.84
	OT	0	5.58	0	0	0	5.58
	TOTAL	95.29	95.29	0	0	95.29	95.29

EXHIBIT 3



DESCRIPTION OF PROPOSED LAND USE & ZONING

As the development of Owings Mills Town Center area occurs through time it is important to analyze what has made the development successful and what kind of future land uses will continue this growth. It is important that each new land use be appropriate to the economic development and provide a balance of land uses generally consistent with the goals and intent of Baltimore County Master Plan and specifically the Owings Mills Town Center plan. To accomplish the above goals each land parcel needs to be analyzed for its specific location within the area, to its physical site conditions, its marketability, its relationship to adjacent uses, and to other influences such as highways, access and visibility as they effect land use.

A parcel of land between proposed Red Run Boulevard and the proposed Red Run Lake is currently zoned RAE 2 which basically would limit this site to high density housing. This parcel of land is bounded south by an OT zone, ML-1M on the north and faces OT zoning adjacent to the mall. This key parcel labeled IIa on the rezoning plan is highly influenced by views to the mall and adjacent office towers, a large capacity road system, views of the potential lake and to the south, potential high density office towers. Due to these factors and due to market demand for additional land uses other than high rise housing, it is requested that the best land use for this site be provided in an OT zone. This OT zone change would allow an exciting mixture of land uses, provide a better balanced response to the marketplace, increase the potential for more around the clock activities with offices as well as housing and some retail uses and increase the public exposure to the valuable waterfront activity potential. The parcel labeled IIb to the north would remain RAE2 as it is physically separated from other sites by steep sided ravines, roads, and its small size is limiting to other land uses. A small parcel of existing ML-1M would change to RAE to align zoning lines with physical improvements such as roads and allow a reason-able sized and shaped parcel of land to be formed.

A parcel of land labeled IIIa is a steeply sloped parcel of land currently zoned RAE-2. This land parcel is strongly influenced by views to the mall and adjacent OT zones at the intersection of Owings Mills Boulevard and Red Run Boulevard. It is down hill in elevation from adjacent RAE-1 land for which there is no current market demand. A proposed OT zone would be compatible with Town Center uses and add a balance of land uses with the residential planned unit development of lake side, existing DR-16 and other RAE land zones.

A small parcel of land adjacent to the mall between Red Run Boulevard to the north and flood plain to the south is currently zoned RAE-2. Its size of only .43 of an acre is obviously too small for residential use and should be rezoned BM-CT compatible in use and complementary to the mall and adjacent Red Run Boulevard influence.

LANDSCAPE ARCHITECTURE AND LAND PLANNING
Mill Centre, Suite 410
2000 Chestnut Avenue
Baltimore, Maryland 21211
410-946-5450

EXHIBIT 5

Executive Office

Suite 202
106 Old Court Road
Pikesville, Maryland 21208
(301) 486-5100

October 11, 1988

Mr. Jack Dillon
BALTIMORE COUNTY OFFICE
OF PLANNING AND ZONING
Fourth Floor
New Court House Building
Towson, Maryland 21284

RE: BM Zoning Issue 3.309
for Service Station, Red Run Blvd.
Owings Mills, Maryland

Dear Mr. Dillon:

Please be advised that the undersigned guarantee the above captioned property will be developed only as a full service gasoline station with a convenience facility.

The architecture and layout will be similar to the Exxon Station on Patuxent Parkway in Columbia, MD. In essence, the building will have a low profile compatible with the architecture and quality of construction and landscaping in the immediate area.

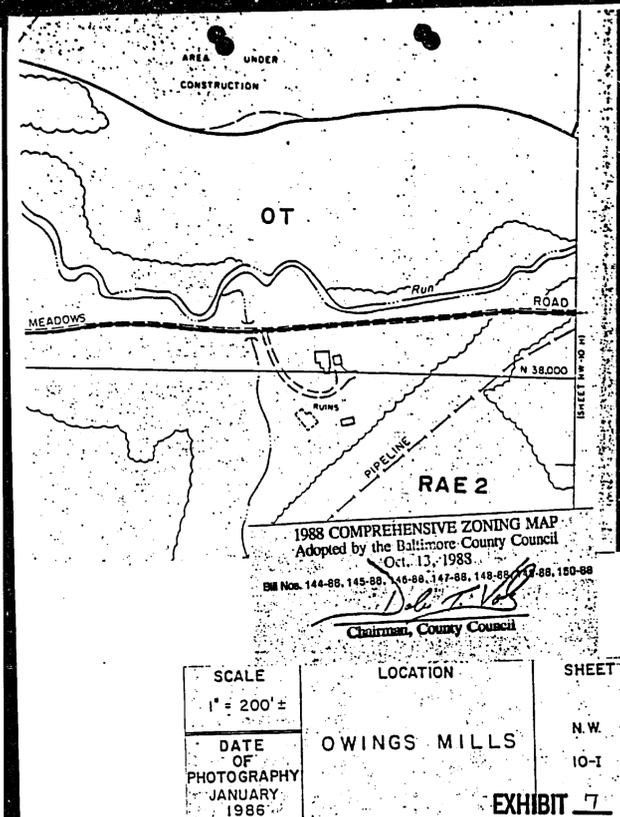
Very truly yours,

PAINTERS MILL VENTURE
Managing Partners
Jack L. Baylin
Morton Macks
Robert G. Meitner, Jr.

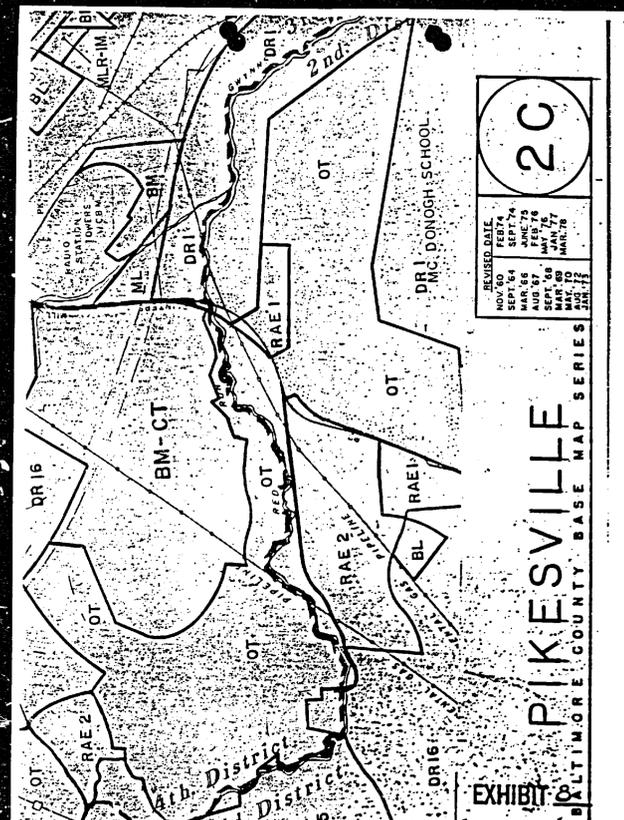
JLB/MM/RGM:da

CC: Hon. C. A. "Dutch" Ruppertsberger III

EXHIBIT 6



SCALE	LOCATION	SHEET
1" = 200' ±	OWINGS MILLS	N.W. 10-1
DATE OF PHOTOGRAPHY	EXHIBIT 7	
JANUARY 1986		



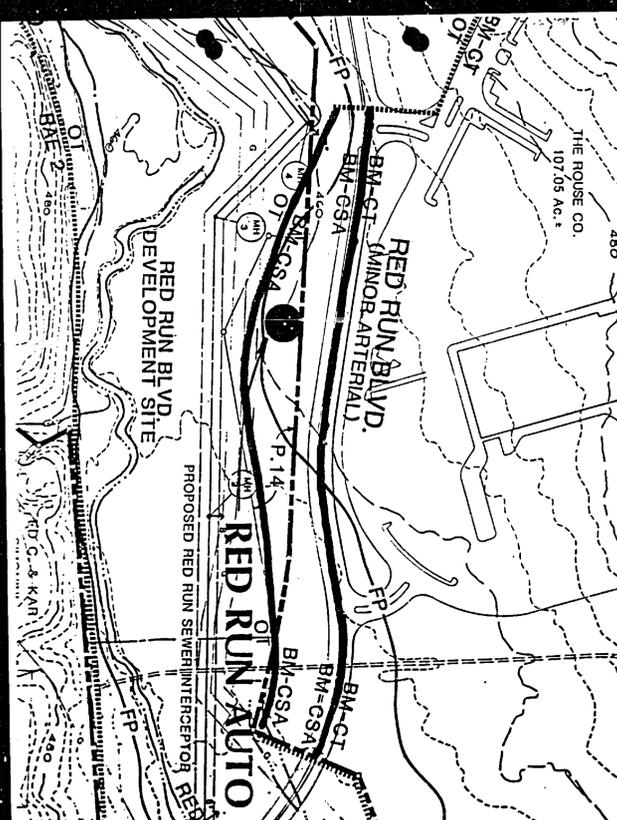
owings mills development area
baltimore county, maryland

RED RUN AUTO CENTER

A Proposal for Development by
PAINTERS MILL VENTURE

KIDDE CONSULTANTS, INC.
PLANNERS / LANDSCAPE ARCHITECTS / ENGINEERS
BALTIMORE, MARYLAND

EXHIBIT 9



PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an BM-CT zone to an BM-GSA zone for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc. upon filing of this petition, and further agree to and will be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

Legal Owner(s):
PAINTERS MILL VENTURE
(Type or Print Name)
Signature: *Jack L. Baylin*
Managing Partner
(Type or Print Name)
Signature

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

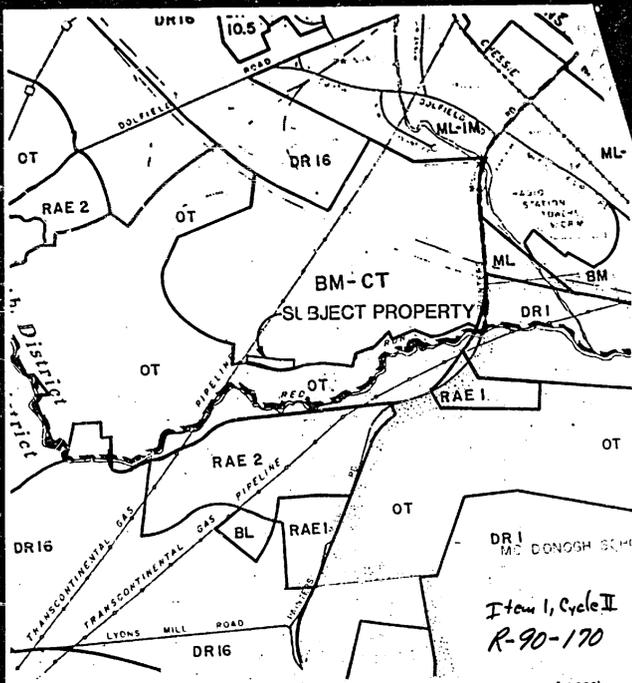
Attorney for Petitioner:
Richard A. Reid, Esq.
(Type or Print Name)
Address: Suite 202, 106 Old Court Road 486-1100
Pikesville, Maryland 21208
City and State
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Richard A. Reid, Esq.
102 W. Pennsylvania Avenue
Towson, Maryland 21204 823-1800
City and State
Towson, Maryland 21204 823-1800
Address
Phone No.

Attorney's Telephone No.: 823-1800

Find
8/30/89
Does not meet Section
2-58.1 (b)
WCR

11/10/87	2C
11/10/87	2B
11/10/87	4-11-77
11/10/87	8E
11/10/87	8E
11/10/87	9

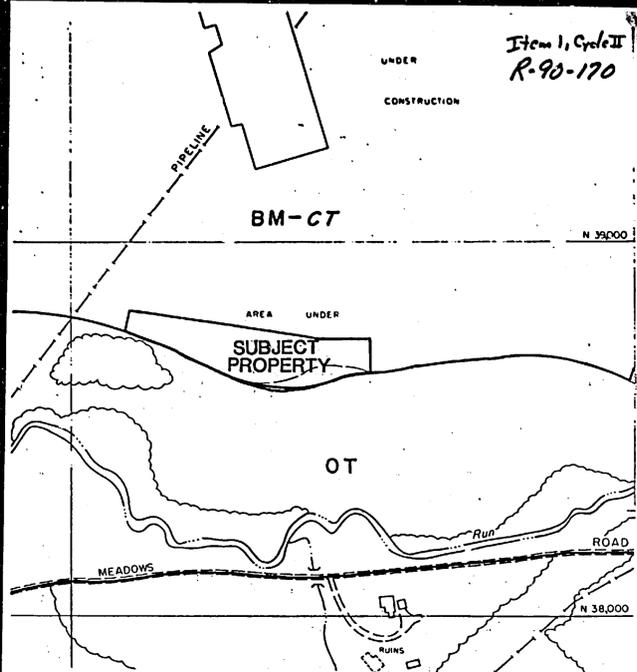
10-11-88 02 207 63



**PROPOSED ZONING CHANGE
IN 1988 COMPREHENSIVE ZONING MAP**

KIDDE CONSULTANTS, INC.

AUGUST, 1989



**PROPOSED ZONING CHANGE
IN 1988 COMPREHENSIVE ZONING MAP**

KIDDE CONSULTANTS, INC.

AUGUST, 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-5333
J. Robert Haines
Zoning Commissioner

3/2/90



Dennis F. Rasmussen
County Executive

Painters Mill Venture
Suite 202
106 Old Court Road
Fkoville, Maryland 21204

ATTN: JACK BAYLIN

Re: Petition for Zoning Re-classification
CASE NUMBER: R-90-170
5/8 Red Run Boulevard, 2061' E of 1/2 of Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Petitioner(s): Painters Mill Venture
Hearing Scheduled: WEDNESDAY, March 7, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$400.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and mail it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21284, before the hearing.

Very truly yours,
J. Robert Haines
Zoning Commissioner

cc: Richard A. Reid, Esq.
File

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Re-classification
Case Number: R-90-170
5/8 Red Run Boulevard, 2061' E of 1/2 Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Legal Owner(s): Painters Mill Venture

Petition to reclassify the property from an M.R.-C.T. to an M.R.-C.F.A. zone.

TIME: 10:00 a.m.
DATE: Wednesday, March 7, 1990
LOCATION: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Richard A. Reid, Esq.
Painters Joint Venture
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: No 1621
R-90-170

DATE	02/27/90	DTY	FRILE
PUBLIC HEARING FEES	0.00	ADVERTISING	175.00
LAST NAME OF COUNTY EMPLOYEE'S TITLE	10114	66.01	65
TOTAL			175.00

8 02E*****615514 3071F
Please make checks payable to Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive first publication appearing on Feb 15, 1990.

THE JEFFERSONIAN,
S. Zake Orlean
Publisher

CERTIFICATE OF PUBLICATION

MD., February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive first publication appearing on Feb 15, 1990.

OWINGS MILLS TIMES,
S. Zake Orlean
Publisher

\$185.07

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

R 90 - 170

District: 4th
Date of Posting: 2-12-90

Posted for: Painters Mill Venture
Petitioner: S. Zake Orlean, 2061' E of 1/2 of Owings Mills Blvd., approx. 2.300' East of Owings Mills Boulevard

Location of property: S. Zake Orlean, 2061' E of 1/2 of Owings Mills Blvd., approx. 2.300' East of Owings Mills Boulevard

Location of Sign: South side of Red Run Boulevard approx. 2.300' East of Owings Mills Boulevard

Remarks: S. Zake Orlean
Signed by: S. Zake Orlean
Date of return: 2-16-90

Number of Signs: 1

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: No 1621
R-90-170

DATE	02/27/90	DTY	FRILE
PUBLIC HEARING FEES	0.00	ADVERTISING	175.00
LAST NAME OF COUNTY EMPLOYEE'S TITLE	10114	66.01	65
TOTAL			175.00

8 02E*****615514 3071F
Please make checks payable to Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 066213

DATE: 2/28/90 ACCOUNT: n1-615-300

AMOUNT: \$ 175.00

RECEIVED FROM: S. Zake Orlean, Painters Mill Venture

SIGNATURE: S. Zake Orlean

October 23, 1989

NOTICE OF HEARING

Petition for Zoning Reclassification
Case Numbers: 8-90-170
S/S Red Run Boulevard, 2061' E of Owings Mills Blvd.
4th Election District - 3rd Councilmanic
Legal Owner(s): Painters Mill Venture

Petition to reclassify the property from an B.M.-C.T. to an B.M.-C.S.A. zone.

TIME: 10:00 a.m.
DATE: Wednesday, March 7, 1990
LOCATION: Room 301, County Office Building, 711 W. Chesapeake
Avenue, Towson, Maryland 21284

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Richard A. Reid, Esq.
Painters Mill Venture
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS
WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE
SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE
ISSUED.

M.T.H.

CERTIFICATE OF PUBLICATION

Pikesville, Md.. Nov 8 1989

THIS IS TO CERTIFY that the annexed advertisement
was published in the NORTHWEST STAR, a weekly
newspaper published in Pikesville, Baltimore
County, Maryland before the 9th day of
Nov 1989
the first publication appearing on the
9th day of Nov 1989
the second publication appearing on the
19th day of Nov 1989
the third publication appearing on the
19th day of Nov 1989

THE NORTHWEST STAR

Jan Paul
Manager

Cost of Advertisement \$400-

P.O.# 0018440

4170d:1
RAR/plm
08-28-89

STATEMENT IN SUPPORT OF PETITION
FOR ZONING RE-CLASSIFICATION

In accordance with the quadrennial comprehensive rezoning
procedure for Baltimore County as set forth in Section 22-21
the Baltimore County Code (1978), 1987 Cum. Supp., Painters
Venture, by Jack L. Baylin and Robert G. Merrick, Jr., its
managing partners, submitted a request for rezoning for seven
parcels of its land generally located northwest of the
intersection of Lyons Mill Road and Painters Mill Road in the
Third Councilmanic District (copy attached as Exhibit 1). All
of such requests were docketed under Item 3-309 in the log of
issues for the Third Councilmanic District (copy attached as
Exhibit 2). Included in that request was a request to rezone
small parcel of land on the south side of Red Run Boulevard f
RAE-2 to BM for an automobile service station to be known as
Run Auto Center (Exhibits 3, 4 and 5).

The Planning Staff agreed with the requested change of
zoning but only if the use of the BM zone would be limited to
the proposed use, viz. a full service gasoline station with a
convenience facility. To reassure the Planning Staff in this
respect, Painters Mill Venture wrote a letter to Jack Dillon,
Senior Community Planner for Baltimore County, with a copy to
the council person for the Third District, guaranteeing that if
the BM zoning were granted, the property would be used only as
full service gasoline station with a convenience facility (cop
attached as Exhibit 6). Accordingly, the Planning Staff

recommended a change in zoning by extending the existing BM-CT
line to include the proposed site for the filling station. The
County Council adopted the Planning Staff's recommendation and
rezoned the parcel BM-CT (Exhibits 7 and 8). Bill No. 146-88
doing so was signed by the County Executive on October 20, 1988
and became effective December 4, 1988.

After the maps were adopted it was discovered that a
gasoline station such as that proposed which is not part of a
planned shopping center is not permitted in a BM-CT zone.
Therefore, the site cannot now be utilized for the use which
Painters Mill Venture and Baltimore County desired and intended
to establish. This was error. The error should be corrected by
changing the zoning on the subject property from BM-CT to BM-CSA
as indicated on Exhibit 9 and the site plan filed herein to
permit the desired use as a matter of right.

Respectfully submitted,

Richard A. Reid
Richard A. Reid
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575
(301) 823-1800
Attorney for Petitioner

-2-

KIDDE CONSULTANTS, INC.

ZONING DESCRIPTION OF
1.8591 ACRES AT O.M.T.C.
GAS STATION PARCEL
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point designated as #5086 as
shown on a plat entitled "4th Amended Plat Owings Mills Town
Center" as recorded among the Land Records of Baltimore County,
Maryland in Plat Book S.M. 56 at Folio 35, said point being
approximately 2,061 feet easterly from the intersection of Owings
Mills Boulevard with the south right of way line of Red Run
Boulevard, thence binding on the south side of Red Run Boulevard,
83 feet wide, referring all courses of this description to the
meridian of said plat the following course:

- (1) by a curve to the left 212.47 feet, said curve having a
radius of 1,041.50 feet and a chord of South 87 degrees 33
minutes 23 seconds East 212.10 feet, thence leaving said road and
running through the lands of said plat and the lands of a deed
dated December 16, 1955 from Caroline Limerick Lycett, et al to
Allan L. Berman and wife, which is recorded among the Land
Records of Baltimore County, Maryland in Liber O.T.G. 4562 at
Folio 525, the twelve following courses:
- (2) South 03 degrees 24 minutes 02 seconds East 101.43 feet,
- (3) North 87 degrees 12 minutes 26 seconds West 20.52 feet,
- (4) South 80 degrees 58 minutes 50 seconds West 41.79 feet,

KIDDE CONSULTANTS, INC.

Description
1.8591 Acres - O.M.T.C. - Gas Station
August 22, 1989
Page 2

- (5) by a curve to the left 43.86 feet, said curve having a
radius of 222.50 feet and a chord of South 75 degrees 20 minutes
02 seconds West 43.79 feet,
- (6) South 69 degrees 41 minutes 14 seconds West 47.41 feet,
- (7) by a curve to the left 55.27 feet, said curve having a
radius of 140.11 feet and a chord of South 81 degrees 00 minutes
00 seconds West 54.91 feet to the north side of a 70 foot wide
gas right of way, thence binding thereon,
- (8) North 87 degrees 42 minutes 35 seconds West 63.99 feet,
thence leaving said gas line,
- (9) by a curve to the right 147.78 feet said curve having a
radius of 350.88 feet and a chord of North 75 degrees 38 minutes
40 seconds West 146.69 feet,
- (10) North 63 degrees 34 minutes 45 seconds West 102.87 feet,
- (11) by a curve to the left 72.80 feet, said curve having a
radius of 692.34 feet and a chord of North 66 degrees 35 minutes
30 seconds West 72.77 feet,
- (12) North 69 degrees 36 minutes 15 seconds West 102.12 feet,
- (13) North 08 degrees 17 minutes 17 seconds East 66.99 feet, to
intersect the south side of Red Run Boulevard, thence binding
thereon,

KIDDE CONSULTANTS, INC.

Description
1.8591 Acres - O.M.T.C. - Gas Station
August 22, 1989
Page 3

- (14) South 81 degrees 42 minutes 43 seconds East 440.52 feet to
the point of beginning.
CONTAINING 1.8591 acres of land, more or less.
AP/pek KCI Job Order No. 01-81278R August 22, 1989
Work Order No. 53187



P. Allen Pugh

4099d:7
RAR/plm
08-22-89

AFFIDAVIT IN SUPPORT OF PETITION
FOR ZONING RE-CLASSIFICATION

My name is JOHN J. DILLON, JR. and I am a Senior Planner
for Community Planning of the Department of Planning for
Baltimore County. As such, I am intimately familiar with the
quadrennial comprehensive rezoning procedure for Baltimore
County as set forth in Section 22-21 of the Baltimore County
Code (1978), 1987 Cum. Supp. In the process which culminated in
the adoption of new comprehensive zoning maps for Baltimore
County on October 13, 1989 I was the Senior Planner assigned to
the western and northern portion of Baltimore County which
included property owned by Painters Mill Venture.

In accordance with the rezoning procedure, Painters Mill
Venture, by Jack L. Baylin and Robert G. Merrick, Jr., its
managing partners, submitted a request for rezoning for several
parcels of its land generally located northwest of the
intersection of Lyons Mill Road and Painters Mill Road in the
Third Councilmanic District (copy attached as Exhibit 1). All
of such requests were docketed under Item 3-309 in the log of
issues for the Third Councilmanic District (copy attached as
Exhibit 2). Included in that request was a request to rezone a
parcel of .43 acres, more or less, on the south side of Red Run
Boulevard from RAE-2 to BM for an automobile service station to
be known as Red Run Auto Center (Exhibits 3, 4 and 5).

The Planning Staff agreed with the requested change of
zoning but only if the use of the BM zone would be limited to

ROBERTON MUELLEN,
McLEAN G. REID
SUITE 600
102 W. PENN. AVE.
TOWSON, MARYLAND
8123-1800
8123-1800

*Pages 1-
Ex 10*